

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

TRISTAN TISCHER,)
)
)
Plaintiff,) Case No.: 4:24-cv-00016-DCLC-CHS
) JURY DEMANDED
vs.)
)
CITY OF DECHERD, *et al.*,)
)
Defendants.)

ANSWER

Defendants City of Decherd, Michael P. Sparr, II, and Patrick K. Chambers answer the Amended Complaint (Doc. 11) as follows:

1. Defendants admit that the City of Decherd has a municipal code, § 11-606. Defendants deny the remaining allegations set out in Section II.D. of the Amended Complaint (PageID # 32).
2. Defendants admit the allegations contained in Section III.A. and B. of the Amended Complaint (PageID # 32).
3. Defendants deny the allegations contained in Section III.C. of the Amended Complaint (PageID # 32).
4. As part of the Amended Complaint, Plaintiff sets out statements made by some of the parties in quotations. Defendants submit that the interactions between Officers Chambers and Sparr and Plaintiff are captured on body cam and that this video accurately reflects the statements made by and between the parties and denies any assertions in the Amended Complaint that are inconsistent with the body camera footage.

5. Defendants admit that on February 21, 2023, Officer Chambers pulled Plaintiff over near 2489 Decherd Blvd, in front of the Finish Line Auto Wash, as alleged in Paragraph 1 of the Amended Complaint (PageID # 35). Defendants admit that Officer Chambers asked Plaintiff what his problem was, obtained his license and registration, and asked him to pronounce his last name. Defendants deny the remaining allegations of Paragraph 1 of the Amended Complaint.

6. Defendants admit that Officer Chambers asked Plaintiff to roll his window down and ultimately asked Plaintiff to exit his vehicle after he refused to roll his window down, as alleged in Paragraph 2 of the Amended Complaint (PageID #35).

7. Defendants admit that Officer Sparr placed Plaintiff under arrest for disorderly conduct as alleged in Paragraph 3 of the Amended Complaint (PageID #35).

8. Defendants deny the allegations contained in Paragraphs 4 and 5 of the Amended Complaint (PageID #35).

9. Defendants admit that Plaintiff filed a complaint with the Decherd Police Department, as alleged in Paragraphs 6 and 7 of the Amended Complaint (PageID ##35 and 36).

10. Defendants admit that the City of Decherd has a municipal code, § 11-606, as alleged in Paragraph 8 of the Amended Complaint (PageID #36).

11. Defendants deny all other allegations in the Amended Complaint not specifically admitted in this Answer.

AFFIRMATIVE DEFENSE

1. Plaintiff's Amended Complaint fails to state a claim upon which relief may be granted. Specifically, but without limitation, the Amended Complaint fails to state a claim of municipal liability. Further, the Amended Complaint fails to state a claim of violations of the

First and Fifth Amendment. Finally, the judicial commissioner's independent finding of probably cause in signing the warrant bars Plaintiff's claim under the Fourth Amendment.

2. Defendants Sparr and Chambers assert qualified immunity as an affirmative defense.

3. To the extent Plaintiff is found guilty of his traffic citations, Plaintiff is barred from challenging the legality of the stop in a civil proceeding.

Defendants demand a jury to try this cause.

Respectfully Submitted By,

THE ORTALE KELLEY FIRM

/s/ Michael T. Schmitt
Michael T. Schmitt, BPR #026573
Attorney for Defendants
330 Commerce Street, Suite 110
Nashville, TN 37201
mschmitt@ortalekelley.com
615-256-9999
615-726-1494 (facsimile)

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on May 2, 2024, a true and exact copy of this Answer has been sent via email United States Mail, postage prepaid, to:

Tristan Tischer
108 Sunset Drive
Decherd, TN 37324
supermantris@yahoo.com

/s/ Michael T. Schmitt
Michael T. Schmitt